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May 22, 2007

REPORT OF THE COMMITTEE
ON LEGISLATIVE MATTERS

The Committee on Legislative Matters convened on May 22, 2007 with Chairman Thomas Taylor presiding and Committee Members Aldermen Rebekah Gewirtz, William Roche and Dennis Sullivan also present and voting. Also present were Aldermen Maryann Heuston, Walter Pero, Bruce Desmond, Mayor Joseph Curtatone, Solicitor John Gannon, Michael Lambert from the Mayor's Office, Personnel Director Richard Tranfaglia, Brandon Wilson from Historic Preservation and Meghann Ackerman from the Somerville Journal.

#178072 – Liquor Licenses

Alderman Roche expressed his concern that there might be a business in the city that is experiencing financial hardship and might want to sell its license and that the approval and distribution of these additional licenses might have a financial impact on such a business. Alderman Roche asked Mr. Gannon if these new licenses could be made available only if there were no other licenses available. Alderman Desmond was in agreement with Alderman Roche and stated that if the city doesn't charge the same amount for the new licenses, the value of existing licenses would be diminished. Mr. Gannon told the members that there could be problems, as the city cannot get involved in sale of licenses. That authority belongs to the Licensing Commission and the Licensing Commission cannot refuse to give a license to a suitable applicant. The city is not in the business of regulating private transactions. The city can only charge an acceptable fee to recover the associated costs. Alderman Desmond asked Mr. Gannon to investigate whether license fees could be earmarked for a specific group, e.g., Somerville Cares About Prevention. Alderman Sullivan asked for assurances that these new licenses would not have a negative impact on existing businesses. Mr. Lambert stated that the transferability and containment conditions would offer protection to other businesses. These new licenses are designed to meet the increase in demand that will be forthcoming with the development of Assembly Square.

Chairman Taylor's motion **that the fee charged for these new licenses is equal to the fee charged by the Licensing Commission for other similar licenses** was approved.

#182645 – Demolition by Neglect

Mr. Gannon told the members that the state sanitary code, the state building code and the state fire code all have provisions to allow the city to accomplish the goal of any such proposed ordinance. Ms. Wilson told the members that it is difficult to force people to do things. Referencing a particular property on Florence Street, Ms. Wilson said that the owner is responsible for condition it's in and that it is a significant historical property. The developer has never brought forward any plans. Ms. Wilson told the members that the City of Lowell has done something similar with regard to demolition. The city can send letters, impose fines and apply liens, but when all is said and done, the issue comes down to enforcement. If there are state laws on the books now, she is not sure that the city needs the ordinance. Mr. Gannon said that the court route would take less than 3 weeks, from the order being sent to owner to the building being put into compliance. If the city demolishes a building, the owner would be charged and if unable to pay, a lien would be placed on the property. Chairman Taylor said that if the city was enforcing the codes, owners would have substantial fines levied against them. The committee asked Mr. Gannon to review the information presented by Ms. Wilson and provide an opinion.

The committee discussed matters before it and took action on the following 3 items:

178072: Communication from Mayor - Requesting a Home Rule petition relative to liquor licenses

RECOMMENDATION: Should be approved as amended (that the fee charged for these new licenses is equal to the fee charged by the Licensing Commission for other similar licenses)

VOTE: Unanimous, 4 - 0 in favor

182401: Communication from Mayor - Requesting approval of an amendment to Ordinance 2006-12 re: Household trash and rubbish collection.

RECOMMENDATION: Should be approved

VOTE: Unanimous, 4 - 0 in favor

182909: Communication from Mayor - Requesting approval of an amendment to Ordinance 2006-13 at Sec. 3 by inserting the words "Library Director" under the category "Executive Grade Level II."

RECOMMENDATION: Should be approved

VOTE: Unanimous, 4 - 0 in favor

Alderman Thomas F. Taylor, Chairman
Committee on Legislative Matters

COMMITTEE REPORT

Report of the Committee on Legislative Matters,
May 22, 2007

In Board of Aldermen

Clerk